

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CARPENTERS' DISTRICT COUNCIL OF)
GREATER ST. LOUIS AND VICINITY and)
TERRY M. NELSON, JOHN P. MULLIGAN,)
PATRICK J. SWEENEY, III, RENEE BELL,)
THOMAS G. HEINSZ, JOHN W. FISCHER,)
SCOTT BYRNE, KEN STRICKER, JAMES, P.)
SCHMID, KIRK VERSEMAN, ALBERT BOND,)
ROBERT CALHOUN, RON DICUS and EARL)
POE, III, in their representative capacities as)
trustees of the CARPENTERS' PENSION TRUST)
FUND OF ST. LOUIS, and TERRY M. NELSON,)
JOHN P. MULLIGAN, PATRICK J. SWEENEY,)
III, RENEE BELL, THOMAS G. HEINSZ, JOHN)
W. FISCHER, ALBERT BOND, KEN STRICKER,)
MICHAEL T. THUSTON, KIRK VERSEMAN,)
SCOTT BYRNE, ROBERT CALHOUN, RON)
DICUS and EARL POE, III, in their representative)
capacities as trustees of the CARPENTERS')
HEALTH AND WELFARE TRUST FUND OF)
ST. LOUIS, and TERRY M. NELSON, JOHN P.)
MULLIGAN, PATRICK J. SWEENEY, III,)
RENEE BELL, THOMAS G. HEINSZ, JOHN W.)
FISCHER, ALBERT BOND, KEN STRICKER,)
JAMES P. SCHMID, KIRK VERSEMAN,)
ROBERT CALHOUN and RON DICUS in their)
representative capacities as trustees of the)
CARPENTERS' VACATION TRUST FUND OF)
ST. LOUIS and TERRY M. NELSON, RENEE)
BELL, JOHN MULLIGAN, PATRICK J.)
SWEENEY, III, ROBERT BEHLMAN, THOMAS)
G. HEINSZ, DAVE MARXKORS, MICHAEL T.)
THUSTON, MIKE GRIGAITIS, RON DICUS,)
and ROBERT WOLF in their representative)
capacities as trustees of the CARPENTERS')
JOINT TRAINING FUND OF ST. LOUIS,)

Plaintiffs,)

v.)

No. 4:09-CV-311 CAS

C.R. VERNIER, INC., an Illinois corporation,)
)
 Defendant.)

JUDGMENT


Plaintiffs filed this action on February 25, 2009 to recover from defendant C.R. Vernier, Inc. delinquent fringe benefit contributions, liquidated damages, and interest owed to the plaintiff benefit funds pursuant to the Employee Retirement Income Security Act, 29 U.S.C. §1132(g)(2) (“ERISA”) and pursuant to the Labor Management Relations Act, 29 U.S.C. §185 (“LMRA”). Plaintiffs also seek an award of their attorneys’ fees and costs. Defendant has not appeared, and plaintiffs move for default judgment, submitting in support of their motion the affidavits of Juli Laramie and Greg A. Campbell and various exhibits.

Under ERISA, 29 U.S.C. §1132(g)(2) and §1145, and under the applicable collective bargaining agreements, defendant owes \$21,371.06 in delinquent fringe benefit contributions, \$4,274.21 in liquidated damages and \$1,649.01 in interest for the months of August and September 2008 and June 2009. The collective bargaining agreement and ERISA, 29 U.S.C. §1132(g)(2), require delinquent employers to pay plaintiffs' attorneys' fees and costs. Plaintiffs incurred \$570.00 in legal fees and \$431.00 in court costs. Based on the evidence presented, the Court finds that the services performed by plaintiffs' attorneys were reasonable and necessary to the litigation of this case, that the rates charged were reasonable, and that the amount sought for attorneys' fees is reasonable.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motion for default judgment is granted. [Doc. 10]

IT IS FURTHER ORDERED, ADJUDGED and DECREED that judgment by default is entered in favor of plaintiffs and against defendant C.R. Vernier, Inc. in the amount of Twenty-Eight Thousand Two Hundred Ninety-Five Dollars and Twenty-Eight Cents (\$28,295.28), as and for delinquent fringe benefit contributions, liquidated damages, interest and attorneys' fees and costs.


CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 30th day of July, 2009.